

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

**House of Representatives**

January 3, 1996 to April 3, 1996

**Senate**

January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
14th Legislative Day  
Thursday, February 15, 1996

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Rabbi Raymond Krinsky, Beth Israel Congregation, Waterville.  
Physician for the day, Michael D. Klein, M.D., Mid-Maine Medical Center, Waterville.  
The Journal of Tuesday, February 13, 1996 was read and approved.

**COMMUNICATIONS**

The following Communication: (H.C. 329)  
**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**  
February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1267                    An Act to Establish the Maine Outdoor Recreation Council
- L.D. 1686                    An Act to Remove the 50-foot Buffer Requirement When Cutting Trees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Vinton E. Cassidy            S/Rep. Robert W. Spear  
Senate Chair                            House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 330)  
**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES**  
February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1716                    An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter  
Senate Chair  
S/Rep. Michael J. Fitzpatrick  
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 331)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1371                    An Act Relating to Civil Actions, Providing for the Defense of Assumption of Risk, Providing for Standards of Liability in Product Liability Actions and Providing for Standards and Procedures in Awarding Punitive Damages
- L.D. 1448                    An Act to Reconcile Rights and Responsibilities with Respect to Sexual Orientation and Related Matters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills  
Senate Chair  
S/Rep. Sharon Anglin Treat  
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 332)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 926                    An Act to Prevent Impasse in Collective Bargaining by Allowing

Parties of Either Side  
to Request Mediation

We have also notified the sponsor and cosponsors of  
the Committee's action.

Sincerely,  
S/Sen. Charles M. Begley      S/Rep. Pamela H. Hatch  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 333)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on Legal  
and Veterans Affairs has voted unanimously to report  
the following bills out "Ought Not to Pass":

- L.D. 848                      An Act to Further the  
                                 Privatization of Liquor  
                                 Stores within the State
- L.D. 1621                      An Act to Amend the  
                                 Campaign Finance Laws

We have also notified the sponsors and cosponsors of  
each bill listed of the Committee's action.

Sincerely,  
S/Sen. Norman K. Ferguson, Jr.  
Senate Chair  
S/Rep. Harry G. True  
House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 334)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on  
Natural Resources has voted unanimously to report the  
following bill out "Ought Not to Pass":

- L.D. 1623                      Resolve, Authorizing the  
                                 Dredging of Wells Harbor  
                                 and Sand Renourishment  
                                 of Wells Beaches by the  
                                 United States Army Corps  
                                 of Engineers

We have also notified the sponsor and cosponsors of  
the Committee's action.

Sincerely,  
S/Sen. Willis A. Lord              S/Rep. Edward L. Dexter  
Senate Chair                          House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 335)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on State  
and Local Government has voted unanimously to report  
the following bill out "Ought Not to Pass":

- L.D. 1185                      An Act to Give the  
                                 Washington County  
                                 Legislative Delegation a  
                                 Role in the County  
                                 Budget Process

We have also notified the sponsor and cosponsors of  
the Committee's action.

Sincerely,  
S/Sen. Jane A. Amero              S/Rep. Beverly C. Daggett  
Senate Chair                          House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 336)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on  
Taxation has voted unanimously to report the  
following bills out "Ought Not to Pass":

- L.D. 586                      An Act to Establish a  
                                 Flat Income Tax Rate for  
                                 Certain Persons
- L.D. 1476                      An Act to Establish the  
                                 Employee Partnership  
                                 Reward Act
- L.D. 1521                      An Act to Make the Maine  
                                 Income Tax a Percentage  
                                 of the Federal Income  
                                 Tax

We have also notified the sponsors and cosponsors of  
each bill listed of the Committee's action.

Sincerely,  
S/Sen. W. John Hathaway          S/Rep. Gary W. Reed  
Senate Chair                          House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 337)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

February 12, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1641 An Act to Amend the  
Maine Sanitary District  
Enabling Act

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos  
Senate Chair House Chair

Was read and ordered placed on file.

---

The following Communication: (H.C. 338)  
**TASK FORCE TO MONITOR DEREGULATION OF HOSPITALS**  
**MAINE STATE LEGISLATURE**  
**AUGUSTA, MAINE 04333**

January 23, 1996

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
Dear President Butland and Speaker Gwadosky:

In accordance with P.L. 1995, c. 368, Sec. W-12 (effective June 29, 1995), the Task Force to Monitor Deregulation of Hospitals hereby submits its findings and recommendations regarding the impact of deregulation of hospitals on providers and consumers and the need to continue to maintain and expand a health information database that is currently maintained and administered by the Maine Health Care Finance Commission.

Enclosed is the Report of the Task Force to Monitor Hospital Deregulation, accompanied by suggested statutory changes necessary to implement the elimination of the regulatory functions of the Maine Health Care Finance Commission. Also attached is proposed legislation that would establish the Maine Health Data Organization and implement the recommendations of the Task Force.

Sincerely,

S/Senator I. Joel Abromson  
Chair

Was read and with accompanying report ordered placed on file.

---

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

---

**Human Resources**

Bill "An Act to Amend the Home Health Laws" (H.P. 1303) (L.D. 1784) (Presented by Representative WINGLASS of Auburn) (Cosponsored by Representatives: ETNIER of Harpswell, JOY of Crystal, KNEELAND of Easton) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

---

**Judiciary**

Bill "An Act to Place Penobscot Land in Trust" (H.P. 1306) (L.D. 1787) (Presented by Representative BISULCA of the Penobscot Nation) (Cosponsored by Representatives: BENEDIKT of Brunswick, HICHBORN of Lagrange, JACQUES of Waterville, KEANE of Old Town,

Senator: RUHLIN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

---

**Legal and Veterans Affairs**

Bill "An Act Relating to Payment of Tri-state Lotto Prizes" (H.P. 1304) (L.D. 1785) (Presented by Representative NADEAU of Saco) (Cosponsored by Senator FERGUSON of Oxford and Representative: TRUE of Fryeburg) (Governor's Bill)

---

**Utilities and Energy**

Bill "An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay" (H.P. 1302) (L.D. 1783) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: GIERINGER of Portland, KONTOS of Windham, Senator: CARPENTER of York) (Governor's Bill)

---

**Reported Pursuant to Public Law**

Representative VIGUE for the Joint Standing Committee on Banking and Insurance pursuant to Public Law 1995, chapter 332, Part Q, section 1 asks leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Guaranteed Issuance Requirements for Small Group Health Plans" (H.P. 1308) (L.D. 1789) be referred to the Joint Standing Committee on Banking and Insurance for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

---

**Reported Pursuant to Public Law**

Representative FITZPATRICK for the Task Force to Monitor Deregulation of Hospitals pursuant to Public Law 1995, chapter 368, Part W, section 12 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Monitor Deregulation of Hospitals" (EMERGENCY) (H.P. 1307) (L.D. 1788) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

---

**Reported Pursuant to Resolve**

Representative SPEAR for the Commission to Study Options for Preserving the Dairy Industry in the State pursuant to Resolve 1995, chapter 35, section 6 asks leave to submit its findings and to report that the accompanying Bill "An Act to Transfer the Agricultural Education Consultant to the Department of Agriculture, Food and Rural Resources" (H.P. 1305) (L.D. 1786) be referred to the Joint Standing Committee on Education and Cultural Affairs for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Education and Cultural Affairs, ordered printed and sent up for concurrence.

**ORDERS**

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 42)

ORDERED, that Representative Shirley K. Richard of Madison be excused February 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused February 6 for personal reasons.

Was read and passed.

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Bob Weagle, of Pownal, on his retirement as camera operator for town events. For many years, Bob has helped videotape and broadcast nearly every Planning Board, School Committee and Town Council meeting and special events such as the Fourth of July parade. We extend our congratulations and best wishes to him; (HLS 883) by Representative HARTNETT of Freeport. (Cosponsor: Senator HARRIMAN of Cumberland)

On objection of Representative CARLETON of Wells was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Tuesday, February 20, 1996.

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative REED from the Committee on Taxation on Bill "An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties" (H.P. 715) (L.D. 972) reporting "Ought to Pass" as amended by Committee Amendment "B" (H-703)

Report was read and accepted. The Bill read once. Committee Amendment "B" (H-703) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, February 20, 1996.

**Ought to Pass as Amended**

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Increase the Penalty for Criminal Restraint of a Young Child or a Dependent Person" (H.P. 1211) (L.D. 1661) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-700)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-700) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, February 20, 1996.

**Ought to Pass as Amended**

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Provide Recovery for Motor Vehicle Damage to Forest Lands" (H.P. 1232) (L.D. 1685) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-701)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-701) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, February 20, 1996.

**Ought to Pass as Amended**

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Enhance Fireworks Safety" (H.P. 1233) (L.D. 1693) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-702)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-702) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, February 20, 1996.

**Divided Report**

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-696) on Bill "An Act to Discourage the Spread of Crack Cocaine" (H.P. 1038) (L.D. 1457)

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis  
O'DEA of Penobscot

Representatives:

BUNKER of Kossuth  
Township  
GOOLEY of Farmington  
JOHNSON of South Portland  
THOMAS of Woolwich  
THOMPSON of Naples  
REED of Dexter

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-697) on same Bill.

Signed:

Representatives:

CLARK of Millinocket  
CLUKEY of Houlton  
McALEVEY of Waterboro  
WHEELER of Bridgewater

Was read.

Representative CLARK of Millinocket moved that the House accept the Minority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Minority "Ought to Pass" as amended Report and later today assigned.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 477) (L.D. 658) Bill "An Act Concerning Real Estate Trusts" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-704)

(H.P. 1241) (L.D. 1701) Bill "An Act to Reduce the Number of Legislative Confirmation Hearings" (Governor's Bill) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-699)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, February 20, 1996 under the listing of Second Day.

**CONSENT CALENDAR**

**Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 608) (L.D. 1612) Bill "An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers" (C. "A" S-421)

(S.P. 611) (L.D. 1615) Bill "An Act to Amend the Piscataquis County Budget Process" (C. "A" S-423)

(H.P. 1175) (L.D. 1607) Resolve, to Extend Deadlines Relating to the Task Force to Review the Beverage Container Deposit Laws (EMERGENCY)

(H.P. 1247) (L.D. 1709) Bill "An Act to Describe Property Posting under the Criminal Trespass and Trespass by Motor Vehicle Laws"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed and sent up for concurrence.

**BILLS IN THE SECOND READING  
As Amended**

Bill "An Act Concerning Portable Scale Tolerances on the Interstate Highway System" (H.P. 1227) (L.D. 1680) (C. "A" H-695)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Resolve, to Establish a Tuition Rate for the Town of Dennysville and to Review the Provision of Education Services in the Unorganized Territory (H.P. 1297) (L.D. 1780)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative AULT of Wayne was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Tuesday, February 20, 1996.

**ENACTORS  
Mandate**

An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns (S.P. 632) (L.D. 1640) (S. "A" S-422)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 1 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Improve the Local Road Assistance Program (H.P. 345) (L.D. 465) (C. "A" H-684)

An Act to Allow Issuance of Duplicate Registrations for Trailers and Semitrailers (H.P. 543) (L.D. 739) (C. "A" H-687)

An Act to Update and Clarify the Corporate Laws (S.P. 619) (L.D. 1624) (C. "A" S-417)

An Act to Change the Name of the Maine Youth Apprenticeship Program to the Maine Career Advantage (H.P. 1186) (L.D. 1627)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 699) **ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 20, 1996, at 10:00 o'clock in the morning.

Came from the Senate, read and passed. Was read and passed in concurrence.

Bill "An Act to Initiate Education Reform in Maine" (S.P. 701) (L.D. 1791) (Governor's Bill)

Came from the Senate, referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Was referred to the Committee on Education and Cultural Affairs in concurrence.

Bill "An Act to Implement Performance Budgeting in State Government" (EMERGENCY) (S.P. 700) (L.D. 1790) (Governor's Bill)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

By unanimous consent, all matters requiring reference having been acted upon were ordered sent forthwith.

On motion of Representative GWADOSKY of Fairfield, the House recessed until the sound of the bell.

(After Recess)

The House was called to order by the Speaker.

The following item was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative DONNELLY of Presque Isle, the following Joint Resolution: (H.P. 1309) (Cosponsored by Senator KIEFFER of Aroostook and Representatives: AHEARNE of Madawaska, CLARK of Millinocket, CLUKEY of Houlton, DESMOND of Mapleton, KNEELAND of Easton, O'NEAL of Limestone, ROWE of Portland, WHEELER of Bridgewater, Senators: BUTLAND of Cumberland, HARRIMAN of Cumberland, MICHAUD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES TO TAKE APPROPRIATE ACTION TO ENSURE CONTINUED AIR SERVICE TO AROOSTOOK COUNTY**

**WE**, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Secretary of Transportation of the United States, as follows:

**WHEREAS**, air service has been provided to Aroostook County, Maine for a period of years by Delta Business Express; and

**WHEREAS**, Delta Business Express has announced the intention to discontinue the daily business express service to Aroostook County and the intention to seek administrative approvals for that discontinuation; and

**WHEREAS**, the daily airline service provided to Northern Maine Regional Airport by Delta Business Express constitutes one of Aroostook County's important economic and cultural links to the rest of the State; and

**WHEREAS**, Aroostook County is in the midst of a significant economic realignment occasioned by the closure of Loring Air Force Base and the discontinuation of daily air service will serve as a disincentive to the relocation of potential employers to the county; and

**WHEREAS**, the termination of this air service means that the nearest scheduled daily air service available to residents of Aroostook County is 200 miles away; and

**WHEREAS**, Delta Business Express has been a responsible corporate citizen in Maine and in Aroostook County and the residents of the county and the State wish to preserve this valued relationship; now, therefore, be it

**RESOLVED**: That We, your Memorialists, respectfully recommend and urge the Secretary of Transportation of the United States to disapprove the proposed termination of this service and to take all appropriate regulatory actions to ensure that this service is retained; and be it further

**RESOLVED**: That We request that the President of Delta Business Express reevaluate this proposal in consideration of the economic dislocation the suspension of service would cause and in consideration of the strong community and government support for continued service; and be it further

**RESOLVED**: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Secretary of Transportation of the United States, to the President of Delta Business Express and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

House Divided Report - Committee on Criminal Justice - (9) members "Ought to Pass" as amended by Committee Amendment "A" (H-696) - (4) members "Ought to Pass" as amended by Committee Amendment "B" (H-697) on Bill "An Act to Discourage the Spread of 'Crack' Cocaine" (H.P. 1038) (L.D. 1457) which was tabled by Representative CLARK of Millinocket pending his motion to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I signed onto the Minority Report because I feel it is something I ought to do, particularly if you want to be extremely tough on crime and tough on crime dealing with crack cocaine. I think we ought to be dealing with crack cocaine like we do with heroin. If you get caught using heroin for the first time, it is going to be a crime

that you are going to pay for for the rest of your life. It is a felony. I believe if you are going to deal with crack cocaine, if you get caught, you ought to be treated the same way. A lot of times people say, well it is the first time they got caught, let's slap their hand and let them go.

How many times did that individual use crack cocaine or any drug for a lengthy period of time before they got caught? The unfortunate thing is they got caught. Well, too bad. They were using a drug that is killing our society, killing our people, killing our kids and we ought to treat it that way. I am a strong believer that if you are going to be tough on crime, you have to nip it in the bud and make them pay for it. That is why I signed on the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I am standing to oppose the motion before you, which is to accept the Minority Report. Both of these reports are similar in that they both change the provisions in the current law and make it easier to charge someone with trafficking in crack cocaine or furnishing crack cocaine. Both of the reports are identical in that area.

The Minority Report before you makes a first offense of possession of any amount of crack cocaine a Class C crime, which is commonly known as a felony. The existing law is that simple possession of crack cocaine is a Class D crime, which is a misdemeanor punishable by up to one year in jail. The difference in the two reports is that the Minority Report before you makes it a felony.

The Majority Report keeps it as a misdemeanor for the first offense and raises it to a felony for a second offense of simple possession of crack cocaine. The problem with making a first offense a felony is the penalties that go with being branded a felon. It is especially a problem in the area of juveniles. If a juvenile is adjudicated of any crime in the juvenile system, which constitutes a felony, Class A, B or C, they are hit with the same penalties as an adult. They can never possess a firearm. They obviously can't then hunt in the State of Maine.

Very typically under the current regulation, they can never go into the military of the United States. I have heard a lot of people when I talk to them about juvenile crime and kids getting into trouble, that they go around saying that the best thing they could do is go into the military for a couple of years. Well, by branding them as a felon, the military automatically refuses them.

What we are talking about is possession of any measurable amount. If you possess any measurable amount of powdered cocaine, it is not a felony. The intent here is to make any measurable amount of crack cocaine a felony. I feel very strongly that that is going overboard. You can get up and say you want to be strong on crime. Fine, both of these bills are tough against crime. We have to be tough against crime, but do it in the context of our criminal justice system and be consistent with our criminal justice system and be reasonable when we do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House: I am standing today to ask your

support of the Minority Report. I believe that possession of crack cocaine is a very serious offense and the possession of it should be treated as a felony.

Back in the 60s when I became a law enforcement officer, possession of marijuana was a felony and considered to be a very serious offense. In the 70s, people began to think that possession of this drug should be treated with less severity than selling it. A group of individuals figured if we went after the "pusher," we would curb the use and availability of this drug. Well, we all know that this is not the facts. Just the opposite has happened. When possession of marijuana was a felony the dealer or "pusher" did not have much of a market due to the penalty involved if caught with possession of it.

Now that possession of marijuana has been reduced to a civil infraction, the market has become wide-open to the "pushers," which in turn has made the dealer a bundle of money, with the exception of those that sell it for their own use. Because of this, I feel that the drug has become common place and is readily available in our high schools as well as our elementary schools. Do we want the same thing to happen with crack cocaine? I don't think so.

This drug is a much more dangerous drug than marijuana. It is inexpensive and very addictive. If this drug becomes readily available as marijuana, violent crime and property crimes will be on the increase in Maine. This will happen because of the need to support their habit and because of the nature of the drug.

We, as lawmakers, need to send a message to those individuals who are going to sell or use this drug. I firmly believe being soft on drugs does not work. We need to let people know that we are not going to tolerate violent crime or the use of a drug that affects family, friends and the safety of the public. People need to be held accountable and responsible for their actions. If not, we the taxpayers will be footing the bill for more than just sending them to jail. We will be supporting them through every form of welfare there is. They will not be able to hold down jobs, which will make them a nonproductive part of our society. I am asking for your help to protect our kids, families, and friends by treating this as the dangerous drug that it is. Please vote for the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative McAlevey: Mr. Speaker, Ladies and Gentlemen of the House: There is going to be a lot of arguments from both sides of this issue. For me there is one compelling reason to support the Minority Report. That is, there are people who will not experiment, take or try crack cocaine because we will make it a felony. That is the most compelling argument that I can think of. People who are predisposed to do drugs are going to do drugs regardless of what the laws are. There is a segment of our juvenile and young adult population that will not take crack cocaine if we criminalize it to a felony. That is the most compelling argument that I can present. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, May I pose a question through the Chair to the maker of the motion?

The SPEAKER: The Representative may pose his question.

Representative RICHARDSON: First, I would like to understand why there was a distinction to leave out powdered cocaine in this legislation? Why have you focused on crack cocaine and not included powdered cocaine? Secondly, I would like to ask what are the fiscal implications in light of the fact that our corrections system is turning very serious offenders out of jail, in advance of their time, to the detriment of the safety of their community? What will be the fiscal implications of the kinds of felonies and the kind of incarceration numbers that will follow from those felonies?

The SPEAKER: The Representative from Portland, Representative Richardson has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would be very glad to make possession of powdered cocaine a felony. For this particular bill, we were only dealing with crack cocaine, which is a more serious drug than powdered cocaine, in terms of its addictiveness and how it reacts on the body.

I think the only other thing that might be pointed out here in dealing with this legislation is that we had the AG's Office before our committee several times and I asked the question of what do other states do in regards to crack cocaine? He said that it is already a felony in most other states including New England states. If we make our drug laws more liberal than they are in the other states, I think it encourages people in our state to use and sell drugs. I hope you will consider that when you vote.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

Representative MARSHALL: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MARSHALL: Thank you. I was under the impression that a minor's record upon turning 21 was totally erased. Could someone please clear that up for me please?

The SPEAKER: The Representative from Eliot, Representative Marshall has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: In response to the question, that is not true. In fact, under the Maine Criminal Code any conviction of a crime that is an A, B or C crime, what is a felony, is a public record. It is not even confidential anymore. If a juvenile is adjudicated of a misdemeanor or a minor errant crime, it is a confidential proceeding, but others are public records and they don't go away. They are treated for certain purposes as if they have a felony conviction for the rest of their lives. This doesn't ever go away.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LUTHER: Thank you. I would like to know if the Maine Police Chiefs testified on this bill and if they did, what was their opinion of the two forms that are coming to the floor?

The SPEAKER: The Representative from Mexico, Representative Luther has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: The Maine Chiefs of Police's Association opposes the felony. The Attorney General's Office is not in favor of the felony. The District Attorneys' Association did not endorse the felony. None of them endorsed this Minority Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: Just a little response to the statement that was made. Just because these individuals or departments did not support what the Minority Report is trying to do, does not make it right. A lot of things we do here, we do in opposition to what other people want to do or don't want to do. If you want to protect your society, family structure, your kids and your way of life, do something that is going to protect them. Don't let them sell crack cocaine. Don't let them use crack cocaine.

If you honestly think that is the first time they use crack cocaine, then you have rocks in your head. You have to nip it in the bud. You have to be strong on it. If you let them walk and worry about a felony later, then you are sending the wrong message. Yes, the District Attorney can do something with it. It doesn't always have to be a felony. I think the message we ought to send to the public today is if they are going to deal with any kind of drug, particularly crack cocaine, you are going to pay dearly for it. I think that is what the Minority Report wants to do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the Minority Report. I want to tell you a few facts and figures about my career in law enforcement and the last nine years in drug enforcement that leads me to this conclusion.

In 1977, we had very little cocaine in the state at all. During the next 10-year period, cocaine came into the state big time. powdered cocaine, generally, when it is sold on the streets is anywhere from 30 to 50 percent pure. Crack cocaine is 95 to 100 percent pure.

During the 10 years that cocaine was coming into the state, some residents of this state that were using cocaine started experimenting with freebase cocaine, which is basically the same thing as crack cocaine. Believe me, when they started experimenting with freebase cocaine, the dealers in cocaine skyrocketed, because you cannot experiment with freebase without becoming addicted to the darn stuff. You can't experiment with crack cocaine without becoming addicted to the stuff. powdered cocaine, you can recreationally use for a short period of time

without becoming addicted. Crack cocaine and freebase cocaine, one or two times and you are addicted.

Let me tell you, if you become addicted to the stuff, you are going to become a dealer, because you cannot support your habit. That habit costs \$600, \$700 or \$800 a day to support a habit of cocaine. It ruins doctors and lawyers and if we encourage our young folks to use crack cocaine, because it is only a misdemeanor and they can experiment with it and not take a chance of ruining their lives, we are sending the wrong message.

I would encourage all you folks here to send the message that if you experiment with cocaine, it is a felony. It is going to affect you for the rest of your life and hopefully we will send a message to the young folks that it isn't a good idea to use it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: When I was on the committee, I listened to the hearing and the work in the work session and one of the most compelling things on the hearing was the fact that years ago, we had a heroin problem in the State of Maine. Heroin was made a felony for first time possession and that problem receded.

I understand the reluctance to make a young person a felon, but I think it is very important that we do send a message. You have to ask yourself what is more important. Is it more important that a young person doesn't get a felony record so they can't have a firearm, a hunting license and they can't get into the service or is it more important that we do send this message, which is a strong message and keep them from going further with crack cocaine?

If you listen to all the testimony and information on it, it becomes very expensive. They start trafficking. Do we want that? Do we want to send this strong message and give somebody a felony record, which will keep them from going down this road? This will possibly give them a more serious problem in the future where they can spend many years in jail for trafficking and maybe even die. I have to remind everybody and everybody who doesn't know that heroin in the State of Maine first time possession is a felony. That goes for young people too. I urge you to support the Minority Report. Thank you.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative KEANE: Thank you. With my experience, I found that drug "pushers" are not

stupid. I found that what they will do is recruit young people to do their drug running and drug selling. Young people especially when they don't have a proper family upbringing are very susceptible to this type of influence from older people. I also despise drugs. I think it is tearing apart the fabric of this country, families and the very things that we stand for. I have a problem here and I was wondering whether the committee reflected on making it a misdemeanor for juveniles and a felony for those who are not juveniles?

The SPEAKER: The Representative from Old Town, Representative Keane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Thank you. In response to the question, we really did not because the way our criminal laws are set up, there is no distinction in crimes whether they are committed by an adult or a juvenile. Basically, defined crimes in the adult code and then if they are committed by a juvenile, they are adjudicated in juvenile court. There aren't separate crimes for adults and juveniles. They are just handled in a different system.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to encourage you to support the Minority Report on this bill. My focus is basically on youth as we have talked about before. Having had experience with young people and talking to them about issues like this over a period of time, their response to me has always been that they were glad when there were strict, strong and firm rules regulating what they should and should not do. Believe it or not.

I think that when you are dealing with an issue that is as serious as this one, where addiction is something that is going to happen, young people do not have as many chances as you would like to have them believe. They can make a mistake one time. I am encouraging you to understand that a strict and firm focus allowing people to understand what the restrictions are, what the consequences are is not a negative thing for people who are young.

In my own family I have had that experience where my kids have come back and told me how much they appreciate in other states, where they live, this definition. I also want you to realize that because crack cocaine is something that is inexpensive and easy to acquire, it is a little different than some of the other drugs, because it is available. As a parent I want you to realize that we have the opportunity to get that message across to young people that this is wrong, serious and there is a consequence. I think that is a good positive message for young people and it is not something that we should ignore. It is a tough love kind of thing, but I totally support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: We have been debating this and I am not sure if everybody realizes that we have two reports and both of these reports are higher and stronger and tougher on crime than the prosecutors requested. I want you to know that the prosecutors

when they requested this, they wanted it a Class D crime. The committee decided that wasn't appropriate.

We have one report that you are debating right now that makes it a felony on the first offense. You have heard a lot of pros and cons of why we should have a felony on the first offense. You know as well as I do that anybody who gets caught, a young person or an adult that is caught gets caught with one gram of crack cocaine or one rock, no one is going to give them a year in jail. No one is going to give them the \$1,000 fine. Let's be honest here. We are not going to overload our jails with these first offenders. They are not going to jail.

What is appropriate here? I personally don't care if you decide this ought to be a felony or this shouldn't be a felony. I endorse both of these amendments. I offered the second proposal as a compromise, which is still head and shoulders above what we started with for legislation. It is very tough. If you decide to vote today on either one of these reports for enactment, you can pat yourselves on the back, that we are taking this problem in hand and we are dealing with it very stringently and very diligently.

Both of these bills have the same levels of when they are furnishing and when they are trafficking. These are very small and reduced levels because of the dangerousness of the drug of crack cocaine. We decided that you can't have as much crack cocaine on you as you would if you were trafficking regular cocaine. This really gets tough on these traffickers. I hope that either one of these things pass. If you vote for either one of them, you are doing a good job on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: I am all in favor of making it a serious crime dealing or trafficking in any of these kind of things. When you start talking about possession of something in these tiny amounts, we are facing a lot of problems. Problems of somebody planting something in somebody's possession. Somebody leaving something in somebody's vehicle. When you make a felon out of a young person because of one of these instances, we are talking about a serious situation here.

The other thing that I would like to mention is it is real tough when you are talking about these things to distinguish what is the truth. What do we really know? It wasn't long ago that marijuana was a felony possession. Those times it was insidious. It was so dangerous. It was so addicting. Now we are saying that well, we have changed that, it is no longer a felony and maybe we were wrong.

It the 20s and 30s, of course we know that alcohol was prohibited for a while. We found out that was a failure. We don't want to go back to that. We realize alcohol is still dangerous and tobacco is dangerous. We made last session, tobacco illegal to possess by young people. The implications of the road we are heading down to make this a felony, with that thinking, then we would be looking at somebody with a stash of 10 or 15 cartons of cigarettes in his vehicle or something with the intent to sell to minors.

I am not saying crack isn't dangerous and terrible. Maybe 10 years down the road we will say that we made a mistake on that. I don't know. It is better to err on the side of caution. I agree.

Prohibition doesn't basically work. If you think in those terms, pretty soon somebody is going to want to prohibit something that is dear to you.

A lot of people could plug in the words handgun in this argument today. Not that it is addicting, of course, but that it is dangerous for children and society. The other day the past president of the MMA spoke to us. He mentioned the danger of handguns and the proliferation of handguns. It is illegal to sell handguns to a minor. It is the same kind of thinking. I just want to say that it is a very dangerous step that we are taking here and we have to be very cautious. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I was not on the Criminal Justice Committee at the time of the public hearing and the next day when I went in, I voted with the Majority Report. Since listening to the testimony and talking with people since then, I think it is a very serious crime. I think we have to send a very serious message to our young people. I urge you to vote for the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LEMAIRE: Thank you. Does the quantity in possession have any relationship to whether it is a felony or not? In other words, is a very small amount being possessed any different than a large amount being possessed? Are they both felonies?

The SPEAKER: The Representative from Lewiston, Representative Lemaire has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Thank you. Under the Minority Report, which is before you, whether you possess a gram of crack or a barely measurable amount of crack, it would still be a felony.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: Serving on the Criminal Justice Committee and listening to all the testimony and discussion that we had, I really felt that for the first offense, especially for a juvenile, that it should be a Class D and not a felony. They are going to have a record with a Class D and I guess I really felt strongly about not making it a felony on the first offense. The second offense it would be a felony. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: In my opinion, the State of Maine, partly for fiscal reasons, is releasing serious offenders, pedophiles, people who commit violent acts on people in our society too soon. I again ask the question, if this report passes what will it do to prison populations and to incarceration rates for serious offenders in the State of Maine?

The SPEAKER: The Representative from Portland, Representative Richardson has posed a question

through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't intend to be an attorney and I don't know if an attorney can answer that question. It is pretty difficult. When you deal with the judicial system, a lot of times when you go in front of a judge a lot of the things you think will happen, do not happen. That individual, he or she, may do a tremendous crime and you think they are going to do some time and all of a sudden they are on the street walking around.

Yes, there are problems keeping people locked up. We don't have the adequate facilities. We don't have the monies. A lot of people want people locked up for a long period of time, but when it comes to bond issues or whatever it may be, they go the other way. I am not saying that we ought to throw these people away for life. What I am saying is that if you are going to commit these violent crimes dealing with crack cocaine, whether it be the first time, second time or third time, then you ought to be paying for it.

The problem you are talking about Representative, is a major problem. We have to deal with it here. We need to make them more accountable to when they go to these facilities. We need to make them stay a little bit longer and make sure we have the right and proper facilities for them to go to. Make sure we have money to have these facilities there. When it goes to the public, in a bond issue, it goes the other way. That is the only answer I can give you.

The SPEAKER: A roll call has been ordered. The pending question before the House is accept the Minority "Ought to Pass" as amended Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 293

YEA - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Cross, Damren, Davidson, Desmond, Dexter, Donnelly, Dunn, Farnum, Fisher, Gerry, Gieringer, Gould, Greenlaw, Hartnett, Hatch, Heino, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Morrison, Murphy, Nadeau, Nass, O'Neal, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Winglass, Winn, Winsor.

NAY - Adams, Benedikt, Berry, Brennan, Bunker, Carr, Chartrand, Chase, Daggett, Dore, Driscoll, Etnier, Fitzpatrick, Gates, Gooley, Green, Heeschen, Hitchborn, Jacques, Jones, K.; Joseph, Kontos, LaFountain, Lemaire, Luther, Mitchell EH; Mitchell JE; O'Gara, Ott, Perkins, Poulin, Povich, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson.

ABSENT - Cloutier, DiPietro, Gamache, Guerrette, Johnson, Nickerson, Richard, Truman, Whitcomb, The Speaker.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative, with 10 being absent, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "B" (H-697) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, February 20, 1996.

---

On motion of Representative CARR of Hermon, the House adjourned at 12:20 p.m., pursuant to the Joint Order (S.P. 699).